

## **Section 1350 - Motion Pictures And Commercial Photography**

**1350.01 Purpose and Objectives.** The purpose of this Section is to establish standards to protect the health, safety and the general welfare of the public from the undesirable effects associated with the filming of motion pictures and other commercial filming or photography.

**1350.02 Definitions.** The term “commercial photography” as used in this Section means all activities associated with the production of motion photography or still photography for which a fee is charged for the use, reproduction or showing of the product of the photography including: motion pictures, commercials, advertisements, videos or other similar products.

**1350.03 Permit Required; Exception.** No person shall engage in commercial photography on any privately owned property, publicly owned property, or public rights of way unless a permit has been procured therefor. Provided, however, no permit shall be required for the following:

- A. Commercial photography taking place on non-residential property or public rights of way provided that publicly owned property or public rights of way are not used for staging, storage or parking vehicles or equipment.
- B. Commercial photography intended only for the use and enjoyment of those individuals whose person or property are being filmed and for which there is no commercial value such as family portraiture and wedding photography.
- C. Commercial photographers lawfully operating as a customary home occupation pursuant to Section 850 of this Code.

**1350.04 Application.** The provisions of this Subsection are in addition to the requirements of Section 160 of this Code. Any person or persons desiring a permit to conduct commercial photography shall make application therefor on a form provided by the Clerk. The applicant shall set forth the name, address, telephone number and date of birth of the person responsible to fulfill the obligations of the applicant, the location of the place where the commercial photography will take place; whether the commercial photography involves still photography or motion photography; the time and duration of the filming and related activities; whether or not artificial lighting will be used; a description of the types and numbers of equipment that will be used; a description of proposed parking areas, street and sidewalk closures, and outdoor staging areas; a description of the proposed use of City equipment and personnel; and an estimate of personnel and equipment needed for the purpose of crowd control, security, traffic control and other public safety needs.

**1350.05 Fee.** The fee for a permit required by this Section shall be in the amount set forth in Section 185 of this Code. The City may also establish and charge a fee for the rental of City owned property for commercial photography. In addition to the permit fee, the applicant shall pay all costs and expenses incurred by the City in connection with the commercial photography. Such costs and expenses shall include, but not be limited to, charges for personnel, equipment and damage to streets and other public property. Based upon the information contained in the permit application, the applicant shall deposit with the Clerk a prepayment of the City's

estimated costs and expenses. At the conclusion of the commercial photography, actual costs below or in excess of the estimate will be refunded by the City or paid by the applicant as the case may be.

**1350.06 Review and Approval Process.** The provisions of Section 160 of this Code shall apply to all permits required by this Section and to the holders of such permits. Applications for permits to allow commercial photography sessions shall be reviewed and approved as follows:

Subd. 1 **Manager Issuance.** The Manager shall issue or deny applications for the following:

A. The commercial photography does not exceed three consecutive days in duration. Provided, however, the manager may issue a commercial photography permit for up to ten consecutive days in duration provided that all filming and artificial lighting takes place indoors and all parking, storage and staging needs are accommodated on the property subject to the permit.

B. No outdoor filming or outdoor artificial lighting takes place before 7:00 A.M. or after 10:00 P.M. Provided, however, the Manager may authorize outdoor filming and lighting before 7:00 A.M. and after 10:00 P.M. if owners of all residential properties situated wholly or partly within 300 feet of the commercial photography location grant written approval for such activities.

C. Commercial photography takes place only on City owned property.”

No permit shall be issued unless the Manager finds :

1. The commercial photography will not endanger the public health, safety, morals, or general welfare,
2. The commercial photography will not cause undue traffic hazards, congestion or parking shortages,
3. The commercial photography will not create an excessive burden or result in damage to parks, streets, rights of way or other public property, and
4. No commercial photography permit has been issued during the preceding 180 days for a location within 500 feet of the location described in the application. Provided, however, the Manager may waive this requirement and issue a new permit if the Manager finds that the purpose and objectives of this Section will be furthered by the issuance of the new permit. The Manager may require the applicant to submit evidence satisfactory to the Manager that demonstrates that properties located in the vicinity of the location proposed for commercial photography will not be adversely effected by the issuance of a new permit.

Subd. 2 **Council Issuance.** The Council shall issue or deny permit applications which may not be issued by the Manager under Subd. 1 of this Subsection. Following the receipt

of an application for such a permit, the Council shall conduct a public hearing regarding the application. A notice of the date, time, place and purpose of the hearing shall be mailed at least ten days before the hearing to each owner of property situated wholly or partly within 500 feet of the lot or tract to which the application relates so far as the names and addresses of such owners can reasonably be determined by the Clerk from records maintained by the Assessor or from other appropriate records. After hearing the oral or written views of all interested persons, the Council shall make its decision at the same meeting or at a specified future meeting. The Council shall not grant a permit unless it finds:

1. The commercial photography will not endanger the public health, safety, morals, or general welfare,
2. The commercial photography will not cause undue traffic hazards, congestion or parking shortages,
3. The commercial photography will not create an excessive burden or result in damage to parks, streets, rights of way or other public property, and
4. No commercial photography permit has been issued during the preceding 180 days for a location within 500 feet of the location described in the application. Provided, however, the Council may waive this requirement and issue a new permit if the Council finds that the purpose and objectives of this Section will be furthered by the issuance of the new permit. The Council may require the applicant to submit evidence satisfactory to the Council that demonstrates that properties located in the vicinity of the location proposed for commercial photography will not be adversely affected by the issuance of a new permit.

**1350.07 Conditions.** The Manager or the Council, as the case may be, may impose conditions and restrictions upon the permit holder as deemed necessary for the protection of the public interest and properties located in the vicinity and to ensure compliance with the requirements of this Code. The Manager or the Council, as the case may be, may require that the applicant submit evidence that a notice describing the proposed commercial photography including the proposed dates thereof has been mailed to all affected property owners as determined by the Manager. If so required, this notice shall be mailed following the issuance of the permit but not less than five days prior to the date the commercial photography will begin.

**1350.08 Insurance; Indemnity.** The Manager or the Council, as the case may be, may require the applicant to file with the Clerk a public liability insurance certificate, issued by an insurance company authorized to do business in the State. The policy shall insure the applicant and name the City as an insured in the sum of not less than \$1,000,000. The applicant shall also indemnify and hold the City and the City's officials harmless from any loss, cost, damage and expense arising out of the use of any premises for commercial photography.

**1350.09 Bond or Letter of Credit.** The Manager or the Council, as the case may be, may require the applicant to post a bond or letter of credit as a condition to the issuance of a permit. If so required, the applicant shall file with the Clerk a surety bond that is valid and in force and effect in a sum as determined by the Manager or the Council and which complies with the

requirements of Section 160 of this code. At the option of the applicant, a letter of credit or cash deposit may be used in lieu of the bond. The letter of credit shall be irrevocable and unconditional, issued by a national or state bank with its main office located in the Minneapolis-St. Paul metropolitan area, and otherwise shall be on terms approved by the Manager. The bond or letter of credit shall be conditioned upon compliance by the applicant with this Section and other provisions of the City Code and payment to the City of all fees, expenses, fines and penalties required by this Code or State Law and payment to the City of any damage the City may sustain by reason of such commercial photography.

**1350.10 Duties of Permit Holder.** Every permit holder under this Section shall:

- A. Use only designated streets and parking areas.
- B. Promptly restore all public property, streets, sidewalks and rights of way to their original condition or better.
- C. Comply with all conditions and restrictions of the permit.
- D. Promptly undertake and complete all filming and related activities.

*History: Ord 1996-3 adopted 12-16-96; Ord 2002-9 12-03-02*

*Cross Reference: Section 160, 185*